

Statement of Basis of the Federal Operating Permit

Sites Located in Texas with No Unit-Specific Requirements:

Site-Wide General Operating Permit

Permit Number 516

OPERATING PERMIT BASIS OF DETERMINATION

DESCRIPTION OF THE PROJECT

The Texas Commission on Environmental Quality (TCEQ or commission) executive director is issuing a revised site-wide general operating permit (GOP). The revised site-wide GOP will be issued by the TCEQ executive director under the requirements in Title 30 Texas Administrative Code (30 TAC) Chapter 122 (Chapter 122), Subchapter F, General Operating Permits. The GOP contains new qualification criteria requiring owners and operators authorized under the site-wide GOP to submit applications for site operating permits (SOPs).

DESCRIPTION OF THE GOP PROCEDURAL REQUIREMENTS

The goal of the operating permits program mandated by Title V of the 1990 Federal Clean Air Act Amendments is to provide a compliance and enforcement tool that codifies all applicable requirements for the control of air pollution at sites that are major sources into an operating permit. Title 40 Code of Federal Regulations (40 CFR) Part 70 (Part 70), State Operating Permit Programs, promulgated by the U.S. Environmental Protection Agency (EPA) in response to Title V, allows for the issuance of general permits as a simplified permitting mechanism for multiple sites that are similar in terms of operations, processes, and emission units and subject to the operating permits program. Chapter 122 was promulgated in response to Part 70 and also allows this permitting mechanism, known as a GOP.

The GOP Number 516 is issued by the TCEQ executive director, under the procedural requirements of 30 TAC Chapter 122, Subchapter F. These requirements include a 30-day public comment period with an opportunity to request a notice and comment hearing, an affected state review, a 45-day EPA review, and a 60-day public petition period, during which the public may petition the EPA to object to the GOP.

On December 5, 2003, a notice of the opportunity for public comment and hearing on GOP Number 516 was published in the *Texas Register*; the TCEQ Air Permits Division (APD) website; and general circulation newspapers in the Austin, Dallas and Houston areas. The EPA and affected state review periods also began on this date.

The public comment and affected state review periods officially closed January 5, 2004. No comments were received from the public or from affected states. Additionally, no requests for a public hearing on GOP Number 516 were received during this period.

The EPA review period ended on January 20, 2004. Comments were received from the EPA.

From the date of issuance, the GOP will be subject to public petition for 60 days, as specified in 30 TAC § 122.360, Public Petition. If the EPA does not file an objection with the executive director during the EPA review period, any person affected by a decision of the executive director to issue the GOP may petition the EPA to make an objection. Petitions shall be based only on objections to the GOP that were raised with reasonable specificity during the public comment period, unless the petitioner demonstrates in the petition to the EPA that it was not possible to raise the objections within the public comment period, or that the grounds for the objection arose after the public comment period. The petition shall identify

all objections. A copy of the petition shall be provided to the executive director by the petitioner. The executive director shall have 90 days from the receipt of an EPA objection to resolve any objection and, if necessary, terminate or revise the GOP.

DESCRIPTION OF THE FACILITY

Site-Wide GOP Permit Number 516 was developed for use by major source sites that have no unit-specific applicable requirements and are only subject to the applicable requirements codified in the GOP. Types of sources issued this GOP include, but are not limited to, shoe factories and paper companies.

The following table demonstrates the thresholds by which sources are classified as major. Different thresholds apply to different sites, based on the attainment status of the county in which the site is located.

County	Area Ozone Nonattainment Classification	Major Source Thresholds (tpy)								
		VOC	NO _x	SO ₂	PM-10 ^{1,2}	CO ³	Pb	HAP ⁴	HAPs ⁵	Other ⁶
Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller	Severe	25	25	100	100	100	100	10	25	100
El Paso ⁷	Serious	50	100	100	100	100	100	10	25	100
Collin, Dallas, Denton and Tarrant ^{8,9}		50	50	100	100	100	100	10	25	100
Harding, Jefferson, and Orange	Marginal or Moderate	100	100	100	100	100	100	10	25	100
All Other Texas Counties	Unclassified or Attainment	100	100	100	100	100	100	10	25	100

Notes:

1. Threshold is 70 tpy in PM-10 nonattainment areas classified as "serious." There are currently no counties in Texas classified as "serious" for PM-10.
2. Particulate matter (PM) may be used as a surrogate to demonstrate that PM-10 levels are below the major source threshold. For example, if data demonstrates that PM is less than 100 tpy, the data can be used to demonstrate that PM-10 is less than 100 tpy. However, if PM levels are greater than or equal to 100 tpy, then additional data must be provided to demonstrate that PM-10 levels are less than 100 tpy.
3. Threshold is 50 tpy in carbon monoxide (CO) nonattainment areas classified as "serious". There are currently no counties in Texas classified as "serious" for CO.
4. Any single hazardous air pollutant (HAP). Elemental lead is not included in lead compounds per FCAA § 112(b)(7).
5. Any combination of HAPs.
6. Any other regulated air pollutant as defined in 30 TAC § 122.10, including, but not limited to non-methane organic compounds (NMOC) at municipal solid waste landfills.
7. FCAA § 182(f) exemption in place. NO_x major source threshold 100 tpy.
8. Nonattainment reclassification effective March 20, 1998.
9. FCAA § 182(f) exemption rescinded June 20, 1999.

DESCRIPTION OF THE GENERAL OPERATING PERMIT REVISIONS

The executive director will revise all existing GOPs to codify all applicable new source review (NSR) authorizations. A GOP may not, however, be revised to include case-by-case NSR permits and the types of sources authorized under GOP Number 516 are likely to have a case-by-case NSR permit. In addition, the site-wide GOP cannot be revised to include all permits by rule and standard permits that may apply to all sites authorized under the site-wide GOP. Since the site-wide GOP cannot be revised to properly include all NSR requirements, site-wide GOP Number 516 is being revised by adding new qualification criterion GOP Number 516(a)(1), requiring GOP Number 516 permit holders to submit a SOP application by September 1, 2004. In addition, the qualification criteria was renumbered due to comments received. Once all owners and operators currently authorized under GOP Number 516 are issued an SOP, GOP Number 516 will be rescinded.

FEDERAL REGULATORY APPLICABILITY DETERMINATIONS

The following chart summarizes the applicability of the principal air pollution regulatory programs that may apply to sites authorized under Site-Wide GOP Number 516:

Regulatory Program	Applicability (Yes/No)
PSD	Yes
Nonattainment NSR	Yes
State NSR	Yes
40 CFR Part 60	No
40 CFR Part 61	No
40 CFR Part 63	No
Title IV	No
Title V	Yes
Title VI	Yes

COMPLIANCE STATUS

All owners and operators operating under a GOP must report all units in compliance at the time of initial issuance of the authorization to operate (ATO). After an initial authorization to operate under a GOP is issued, the owner or operator must certify compliance with the terms and conditions of the permit for at least every 12-month period following the initial issuance. Annual compliance certifications should be submitted no later than 30 days after the end of the certification period.

For example, the compliance certification period for an ATO issued on February 27, 1998 will end February 27, 1999 and the certification must be submitted before March 29, 1999. The second compliance certification period will end February 27, 2000. A copy of the compliance certification will also be made accessible to the EPA.

Additionally, the owner or operator shall report, in writing, all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for the deviations for each emission unit covered by a GOP. A deviation report should be submitted for at least each six-month period after permit issuance or at the frequency required by an applicable requirement which requires more frequent reporting. However, no report is required if no deviations occurred over the six-month reporting period. The deviation reports should be submitted no later than 30 days after the end of each reporting period. It is also important to note that reports submitted under 30 TAC § 101.201, Emissions Event Reporting and Recordkeeping Requirements, and 30 TAC § 101.211, Scheduled Maintenance, Start-up Reporting and Recordkeeping Requirements, do not substitute for deviation reports. Annual compliance certification and deviation reporting forms were developed and are maintained by the TCEQ Office of Compliance and Enforcement. Owners or operators needing information regarding annual compliance certifications or deviation reports should contact the TCEQ Office of Compliance and Enforcement, Field Operations Division, at (512) 239-0400.

HEARING AND COMMENTORS

The public comment and affected state review periods closed January 5, 2004. The EPA review period ended January 20, 2004. Written comments were received from the EPA. No requests for a public hearing on the draft GOP Number 516 were received.

RESPONSE TO COMMENTS

Comment 1

The EPA asked what the permit term is of the GOPs.

Response 1

The GOPs must be renewed every 5 years.

Comment 2

The EPA asked if this permit action is intended as a permit modification or permit renewal?

Response 2

This permit action is a permit revision. The GOP renewal date would be May 2007.

Comment 3

The EPA asked when the TCEQ projects all the SOPs will be issued for applications received by September 1, 2004 for facilities currently covered under the GOP.

Response 3

The executive director estimates it will take between 12 and 18 months to issue the SOPs once all of these applications have been received.

Comment 4

The EPA suggests the requirement to submit a permit application for the SOP by September 1, 2004 be moved to the first item in the qualification criteria section in order to emphasize this timely requirement.

Response 4

The executive director has changed the GOP in response to this comment. The qualification criteria for GOP Number 516 has been renumbered.